In the Supreme Court of the United States

OCTOBER TERM, 1904.

JOHN A. BENSON, APPELLANT,
v.
WILLIAM HENKEL, UNITED STATES MARSHAL for the southern district of New York. } No. 308.

MOTION TO ADVANCE.

The appellant, Benson, was arrested upon a warrant issued by a United States commissioner, and after a hearing before that officer was committed to await the action of the district judge, upon an application to be made by the United States attorney for a warrant of removal to the District of Columbia for trial upon an indictment found by a grand jury of the Supreme Court of the District. The charge is for several separate violations of the provision of section 5451 of the Revised Statutes, which punishes with fine and imprisonment any person who promises, offers, or gives any money or thing of value to any officer of the United States with intent to induce him to do, or omit to do, any act in violation of his lawful duty.

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The appellant sued out a writ of *habeas corpus*, and, after a hearing before Judge Lacombe, the writ was dismissed and the defendant remanded to await the action of the district judge. This appeal was then taken.

The appellant has been admitted to bail in the sum of $10,000, pending the decision of this court on his appeal.

As the *habeas corpus* proceeding was instituted for the purpose of preventing entirely or delaying the removal of the petitioner to the District of Columbia to stand trial on the indictment there pending against him, the Solicitor-General, in order to a prompt execution of the criminal laws, moves the court to advance the case on the docket and set it down for a hearing on such day as may be convenient to the court.

Notice of this motion has been served on opposing counsel and proof of such notice filed with clerk.

HENRY M. HOYT,
Solicitor-General.

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